



National Aeronautics and  
Space Administration  
Washington, DC 20546

# Procurement Notice

**PN 97-74**  
**July 5, 2002**

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## **CONTRACTOR PERFORMANCE INFORMATION**

**BACKGROUND:** This change revises 1842.1502, Contractor Performance Information - Policy, to eliminate the redundancy in performance evaluations on contracts where the length of time between the last interim evaluation and the final evaluation is relatively short. When the award anniversary is within 3 months of the end of the contract period of performance, the requirement to conduct both an interim and final evaluation creates an added burden on the evaluators as well as the contractor.

**ACQUISITIONS AFFECTED BY CHANGES:** All contracts that are subject to the requirements of FAR 42.15 and 1842.15.

**ACTION REQUIRED BY CONTRACTING OFFICERS:** Contracting officers must conduct interim evaluations of performance on contracts subject to FAR Subpart 42.15 and in accordance with 1842.1502.

**CLAUSE/PROVISION CHANGES:** There are no clause or provision changes as a result of this PN.

**PARTS AFFECTED:** Changes are made in Part 1842.

**REPLACEMENT PAGES:** You may use the enclosed pages to replace 42:9 and 42:10.

**TYPE OF RULE AND PUBLICATION DATE:** This PN was published as a final rule in the Federal Register (67 FR 44777) on July 5, 2002.

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Enclosures

**DISTRIBUTION:**

## PN List

(b) If deductions are in excess of contractor claims, recovery may be made through a direct refund from the contractor, in the form of a check payable to NASA, or by a set-off deduction from the voucher(s) submitted by the contractor under any other contract, unless those contracts contain a "no set-off" provision. If a set-off is affected, the voucher(s) from which the deduction is made should be annotated to identify the contract and appropriation affected and the applicable NASA Form 456.

## **Subpart 1842.12--Novation and Change-of-Name Agreements**

### **1842.1203 Processing agreements.**

(b) The installation shall immediately notify the Headquarters Office of Procurement (Code HS) of the request to execute a novation (successor-in-interest) or change-of-name agreement.

(h) The contracting officer shall forward one copy of the agreement to Code HS.

### **1842.1203-70 DOD processing of novation and change-of-name agreements on behalf of NASA.**

(a) Copies of novation and change-of-name agreements executed by DOD on behalf of NASA are maintained by the Headquarters Office of Procurement (Code HS).

(b) Code HS is the Agency point of contact for issues related to proposed novation agreements. With the concurrence of Code HS, an installation may execute a separate agreement with the contractor.

## **Subpart 1842.13--Suspension of Work, Stop-Work Orders, and Government Delay of Work**

### **1842.1305 Contract clauses.**

(b) FAR 52.242-15, Stop-Work Order, shall not be used in solicitations or contracts for research performed by educational or other nonprofit institutions.

## **Subpart 1842.14--Traffic and Transportation Management**

### **1842.1405 Discrepancies incident to shipment of supplies.**

(a) NASA personnel shall also report discrepancies and adjust claims for loss of and damage to Government property in transit in accordance with NPG 6200.1, NASA Transportation and General Traffic Management.

## **Subpart 1842.15--Contractor Performance Information**

### **1842.1501 General.**

Communications with contractors are vital to improved performance and this is NASA's primary objective in evaluating past performance. Other objectives include providing data for future source selections. While the evaluations must reflect both shortcomings and achievements during performance, they should also elicit from the contractors their views on impediments to improved performance emanating from the Government or other sources.

### **1842.1502 Policy.**

(a) Within 60 days of every anniversary of the award of a contract having a term exceeding one year, contracting officers must conduct interim evaluations of performance on contracts subject

to FAR Subpart 42.15 and this subpart. Interim evaluations are not required on contracts whose award anniversary is within 3 months of the end of the contract period of performance. The final evaluation will include an evaluation of the period between the last interim evaluation and the end of the contract period of performance. Interim performance evaluations are optional for SBIR/STTR Phase II contracts. A final evaluation summarizing all performance must be conducted on all contracts.

#### **1842.1503 Procedures.**

(a) The contracting officer shall determine who (e.g., the technical office or end users of the products or services) evaluates appropriate portions of the contractor's performance. The evaluations are subjective in nature. Nonetheless, the contracting officer, who has responsibility for the evaluations, shall ensure that they are reasonable.

(b) NASA Form 1680, entitled, "Evaluation of Performance," shall be used to document evaluations. This provides for a five-tiered rating (using the definitions for award fee evaluation scoring found in 1816.405-275) covering the following attributes: quality, timeliness, price or control of costs (not required for firm-fixed-price contracts or firm-fixed-price contracts with economic price adjustment), and other considerations. Evaluations used in determining award fee payments satisfy the requirements of this subpart and do not require completion of NASA Form 1680. In addition, hybrid contracts containing both award fee and non-award fee portions do not require completion of NASA Form 1680. Contracting Officers shall ensure that the Government discusses all evaluations with contractors and shall record the date and the participants on the evaluation form. Contracting officers shall sign and date the evaluation after considering any comments received from the contractor within 30 days of the contractor's receipt of the evaluation. If a contractor in its timely comments disagrees with an evaluation and requests a review at a level above the contracting officer, it shall be provided within 30 days. While the FAR forbids use of the evaluations for source selections more than three years after contract completion, they shall nevertheless be retained in the contract file as provided in FAR 4.8, Government Contract Files.

### **Subpart 1842.70--Additional NASA Contract Clauses**

#### **1842.7001 Observance of legal holidays.**

(a) The contracting officer shall insert the clause at 1852.242-72, Observance of Legal Holidays, in contracts when work will be performed at a NASA installation.

(b) The clause shall be used with its Alternate I in cost-reimbursement contracts when it is desired that contractor employees not have access to the installation during Government holidays. This alternate may be appropriately modified for fixed-price contracts.

(c) The clause may be used with its Alternate II in cost-reimbursement contracts when it is desired that administrative leave be granted contractor personnel in special circumstances, such as inclement weather or potentially hazardous conditions. This alternate may be appropriately modified for fixed-price contracts.

#### **1842.7002 Travel outside of the United States.**